--REMARKS--

Claims 2-7, 10, 11, 13-17, 20-23, 25, 26, 29 and 30 of the above referenced application are pending. Claims 2-7, 10, 11, 13-17, 20-22 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11, 13, 14, 16, 20 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Sullivan et al., U.S. Patent No. 4,865,200 ("Sullivan"). Claims 2-7, 10, 23, 25, 26, 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan, in view of Wood, U.S. Patent No. 3,221,872 ("Wood"), Cadillac et al., U.S. Patent No. 2,917,165 ("Cadillac") and Official Notice. Reconsideration of the rejections of the claims is requested.

With respect to the rejection under §112, the Examiner opines that Claim 2 does not positively recite the limitation "the radiator". The Applicant notes that the preamble recites: "A packaging system for **a vehicular radiator**, wherein the radiator is generally rectangular in outline with a generally rectangular cross-section, wherein the radiator includes a non-fragile portion, comprising..." The elements of the Claim preamble are set forth in a clear, unambiguous manner, which a person with ordinary skill in the art would readily comprehend. Accordingly, it is submitted that proper antecedent basis for radiators is present.

Claim 2 has been amended regarding the dimensionality of the radiator. Of course, this type of dimensionality is ubiquitous to vehicular radiators, and the packaging of this invention was developed in that environment. There is no reason that the invention could not be used for other products with similar general dimensionality or characteristics. In the same Claim, the phrase "when so folded said legs folded away from" has been changed to -- when so folded, said legs <u>being oriented</u> away from--. Along the same lines, Claim 11 has been changed to avoid confusion. Accordingly, the rejection under §112 should be removed.

Claims 11, 13, 14, 16, 20 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Sullivan. The Examiner opines that Sullivan teaches a packaging component comprising a base member 10 with a central part, opposed sides, with a first pair of sides foldable out to form arms 16 and *a second pair foldable out of the plane in a direction* ***opposite*** *the first pair.* (Emphasis added) However, contrary to the opinion of the Examiner, Sullivan clearly shows the corner side walls 19 folded in the ***same*** direction as the arms 16, i.e., both are

folded toward the mounted article.

Independent Claim 11 of the present invention recites a packaging component for an article comprising: a base member having...a first pair of opposed sides...foldable out of the plane of said base member and forming arms to said base member...a second pair of opposed sides on said base member...being foldable out of the plane of said base member, said second pair being foldable ***in a direction opposite*** of said first pair, said second pair portion forming legs to said base member when so folded. Sullivan does not teach or suggest a second pair of sides (i.e., legs) folded in a direction opposite that of the first pair (i.e., arms).

In order to anticipate the present Claims, Sullivan must show each limitation of the present Claims. Since Sullivan lacks a pair of legs being folded in a direction opposite a pair of arms, it cannot anticipate Claim 11 or any of the claims which depend from Claim 11.

Claims 2-7, 10, 23, 25, 26, 29 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sullivan, in view of Wood, Cadillac and Official Notice.

The Examiner opines that Sullivan teaches all of the limitations of Claims 2 and 23 except the packaging system being used for a vehicular radiator and the at least one stand off element. As demonstrated above with respect to Claim 11, Sullivan fails to show other limitations, and the deficiency is not supplied by any of the other references. Nor is there any suggestion or motivation to modify the system of Sullivan to arrive at the present claims.

As shown best in FIGS. 3 and 4 of Sullivan, the support member of Sullivan includes four flaps 42 (16 in FIG. 2) foldable toward and over an article. The article is positioned on a first side of the center of the support member. Four sidewalls 48 *fold the same direction as the flaps* to space the article from the inside of a shipping container. These provide a gap *between the outward face of the article and the adjacent inside wall of the shipping container.* The orientation of the flaps of Sullivan is completely different than the legs of the present invention and provides a different function.

In contrast, the legs of present Claims 2 and 23 are oriented *away* from the folding direction of the arms. The legs function to space the base member (the side *opposite* that of the article) away from the inner container wall. This limitation is not taught or suggested by any of the remaining references. Since none of the references taken alone or in combination teach or suggest the legs of the present claims and fail to teach the disparate folded orientation of the legs

with respect to the arms, Claims 2 and 23 and the claims dependent therefrom cannot be anticipated by any combination of the cited references.

Furthermore, there is no motivation to use any of the standoff elements shown by Wood, Cadillac or according to Official Notice with the base member of the present invention. Due to the construction of Sullivan, any standoff elements would necessarily be used in a manner completely different as that specified in the present claims. Because Sullivan uses sidewalls to space the article from the container (See FIG. 1) no standoffs would be usefully positioned on the article itself or on the same side of the support member as that of the article. If standoffs or spacers were to be used they would be usefully positioned on the support member *opposite* the article and not on the article itself to space the support member from the container. In contrast, the present claims specify that the standoff is positioned on the article (radiator). For this reason, it is clear that the teaching of Sullivan counterindicates, or teaches away, from the use of spacers or standoffs on the article itself. Moreover, Sullivan further teaches away from using spacers or standoffs by showing a placement of two back-to-back separate packaged items positioned in a single container as shown in FIG. 2. Sullivan goes to great lengths to provide more reasons not to use spacers or the like: "Attempts have previously been made to immobilize and cushion an article being shipped in order to prevent damage." (Sullivan, Col 1, Lines 21-23) Sullivan further describes the *types* of spacers used in prior art "...immobilized and cushioned by use of corrugated paperboard and filler material..." "...foam plastic to immobilize and cushion..." "...rigid foam cushion corner frames...". (Col 1, Lines 26-36) Sullivan concludes by describing a major shortcoming of the "prior package containers", "... the inadequate protection they provide against damage, particularly vibrational damage, caused by shipment. There is a need in the art for a shipping package...without the damage normally associated with the present containers". (Col 1, Lines 36-44) The cited references fail to teach, suggest or provide the motivation to use of the legs and standoff in combination as set forth in the present claims. Therefore, the cited references do not, alone or in combination, teach or suggest the present Claims 2 or 23, or the claims dependent therefrom and the rejection under §103(a) should be removed.

For at least these reasons, we respectfully request allowance of 2-7, 10, 11, 13-17, 20-23, 25, 26, 29 and 30. In view of the amendments to the claims and remarks herein, Applicant

respectfully requests reconsideration and issuance of a Notice of Allowance.

Attached hereto is a marked-up version of the changes made to the claims by the present amendment. The attached page is captioned "**Version with markings to show changes made**"

If, for any reason, the Examiner is unable to allow all of the pending claims of the Application and feels that a telephone conference would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned at (312) 673-0360.

Respectfully submitted,

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Steven B. Courtright
Registration No. 40,966
Michael H. Baniak
Registration No. 30,608

BANIAK PINE & GANNON
150 N. Wacker, Suite 1200
Chicago, Illinois 60606

Version with markings to show changes made

Please amend the Claims as follows:

2. (Twice Amended) A packaging system for a vehicular radiator, wherein the radiator is generally rectangular in outline along two pair of opposed sides in x and y geometrical dimensions with a generally rectangular cross-section in the geometrical dimension, wherein the radiator includes a non-fragile portion, comprising:

a generally rectangular planar tray member, said tray member having a central area defining a plane upon which the radiator is received, and having two opposed sides, a portion of each opposed side being foldable out of the plane of said tray member and forming arms to said tray member which are foldable toward each other to embrace the radiator placed upon said tray member;

at least one strap engageable around said tray member and holding said arms folded upon the radiator placed upon said tray member;

said tray member further including opposed ends, with a portion of each opposed end being foldable out of the plane of said tray member and forming legs to said tray member when so folded, said legs being oriented [folded] away from the radiator to thereby form said tray member into a platform upon which the radiator is supported;

a container within which said tray member is received, said container being shaped and sized to snugly fit around said tray member with said opposed sides and ends so folded, and having an interior space with a depth defined by a distance between the radiator and a container inside surface; and

at least one stand-off element mounted to the non-fragile portion of the radiator, said stand-off element having a height generally spanning said interior space depth when so mounted, whereby, when said tray member holding [said vehicle] the radiator is received by said container, the combination of said legs, said at least one stand-off element and said tray member serves to stabilize the radiator relative to said container inside surface and to maintain the radiator in a spaced-apart configuration from said container.

11. (Twice Amended) A packaging component for an article comprising:

a base member having a central part defining a plane and a first pair of opposed sides, with a portion of each opposed side [of said first pair of sides] being foldable out of the plane of said base member and forming arms to said base, said arms being connected to said central part;

a second pair of opposed sides on said base member, said second pair of opposed sides being orthogonal to said first pair of opposed sides, with a portion of each opposed side of said second pair being foldable out of the plane of said base member, said second pair being foldable in a direction opposite of said first pair, and forming legs to said base member when so folded; and

a member engageable with said arms when said arms are folded toward each other and said central part to hold said arms in a folded condition, [whereby] when an article to be packaged [when] is placed upon said central part [with] said arms being in said folded condition[,] and said legs being folded in said opposite direction as said arms, said member being engaged with said arms [and said legs folded in said opposite direction as said arm], and said article being [is] stabilized relative to said base member.